UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/48/762
7 January 1994

ORIGINAL: ENGLISH

Forty-eighth session
Agenda item 114 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in Cambodia

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report on the situation of human rights in Cambodia prepared by Justice Michael Kirby, Special Representative of the Secretary-General, in accordance with paragraph 6 of Commission on Human Rights resolution 1993/6 of 19 February 1993 and Economic and Social Council decision 1993/254 of 28 July 1993.

1. By paragraph 6 of Commission on Human Rights resolution 1993/6, entitled "Situation of human rights in Cambodia", adopted without a vote on 19 February 1993 and endorsed by Economic and Social Council decision 1993/254 of 28 July 1993, the Secretary-General was requested to appoint a Special Representative:

"(a) To maintain contact with the Government and people of Cambodia;

(b) To guide and coordinate the United Nations human rights presence in Cambodia;

(c) To assist the Government in the promotion and protection of human rights;

(d) To report to the General Assembly at its forty-eighth session and the Commission on Human Rights at its fiftieth session under the agenda item entitled 'Advisory services in the field of human rights';".

2. Pursuant to that resolution, on 23 November 1993 the Secretary-General appointed Justice Michael Kirby (Australia) as his Special Representative.

3. In paragraph 2 of the same resolution, the Commission on Human Rights requested the Secretary-General to ensure a continued United Nations human rights presence in Cambodia after the expiry of the mandate of the United Nations Transitional Authority in Cambodia (UNTAC), inter alia through the operational presence of the Centre for Human Rights, in order to:

"(a) Manage the implementation of educational and technical assistance and advisory services programmes and to ensure their continuation;

(b) Assist the Government of Cambodia established after the election, at its request, in meeting its obligations under the human rights instruments recently acceded to, including the preparation of reports to the relevant monitoring committees;

(c) Provide support to bona fide human rights groups in Cambodia;

(d) Contribute to the creation and/or strengthening of national institutions for the promotion and protection of human rights;

(e) Continue to assist with the drafting and implementation of legislation to promote and protect human rights;

(f) Continue to assist with the training of persons responsible for the administration of justice."

4. The Centre for Human Rights established its Cambodia Office at Phnom Penh on 1 October 1993.

5. The present report is submitted pursuant to paragraph 6 (d) of Commission resolution 1993/6, which called for a report by the Special Representative of the Secretary-General to the General Assembly at its forty-eighth session.

6. As contained in the preamble to resolution 1993/6, the Commission took note of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris by the four Cambodian parties on 23 October 1991, and recognized that: "Cambodia's tragic recent history requires special measures to assure the protection of human rights and the non-return to the policies and practices of the past."

7. Guided by this principle, UNTAC adopted a number of initiatives, of an innovative and far-reaching kind, to implement a human rights programme for Cambodia. The object of these initiatives was to lay the basis for the effective protection of human rights in Cambodia after the termination of UNTAC's responsibilities.

8. One of the innovative initiatives was the convening of a human rights conference at Phnom Penh between 30 November and 2 December 1992. The Special Representative of the Secretary-General for Cambodia, Mr. Yasushi Akashi, in his opening address to the conference, emphasized the importance of a comprehensive programme on human rights for Cambodia in the discharge of the activities of the United Nations in that country:

> "The entrusting of an operational and intrusive human rights mandate to the United Nations as an integral part of a peace agreement in order to facilitate national reconciliation and self-determination is a new development with broad ramifications. This is a new dimension for both United Nations peace-keeping operations and its human rights activities."

9. In a statement by Mr. Yasushi Akashi to the forty-ninth session of the Commission on Human Rights, some of the problems and opportunities concerning the protection of human rights were outlined. It was emphasized that Cambodia needed assistance from the international community, from the United Nations and from international and regional human rights organizations to forward the process of re-establishing fundamental freedoms and human rights in Cambodia. It was for that reason that Mr. Akashi proposed that a Special Rapporteur on Human Rights be appointed for Cambodia, as allowed for by article 17 of the Paris Peace Agreements. He also proposed that the Centre for Human Rights should have a presence in Cambodia and should serve as an essential support body for the Special Rapporteur.

10. It was pursuant to that recommendation, and others to a like effect, that Commission on Human Rights resolution 1993/6 was adopted. Although, by the resolution, the position of a Special Representative, rather than a Special Rapporteur, was recommended, the mandate proposed was expressed in wide terms. Notable in this respect is the reference to the obligation of the Special Representative to maintain contact with the people of Cambodia as well as with the Government, and the duty of the Special Representative to assist the Government not only in the promotion, but also in the protection, of human rights in that country.

Cooperation of Cambodia

11. As requested by the Commission on Human Rights, the Assistant Secretary-General for Human Rights, Mr. Ibrahima Fall, wrote to the Government of Cambodia informing it of the resolution adopted by the Commission. By letter of 6 November 1993, the First Prime Minister, His Royal Highness Prince Norodom Ranariddh, and the Second Prime Minister, His Excellency Mr. Hun Sen, took note of Commission resolution 1993/6 and confirmed the full support and cooperation of the Royal Government of Cambodia in facilitating the task of the Special Representative of the Secretary-General and of the Centre for Human Rights in the fulfilment of their respective mandates.

Consultations and immediate programme

12. Of necessity, with an appointment made at a late stage in the forty-eighth session of the General Assembly, it was not possible at this time to detail achievements or even a settled programme. However, as a measure of the urgency attached to the discharge of the responsibilities assigned to him, the Special Representative made arrangements to consult with the Centre for Human Rights in Geneva on 30 November 1993. Following the discussions he had with officers of the Centre, a programme of activities was agreed upon.

13. The Special Representative is planning to make his first visit to Cambodia in January 1994, in order to have consultations with representatives of the Government of Cambodia and representatives of non-governmental organizations and Cambodian human rights groups. Arrangements for such consultations are already being made. He also intends to have early discussions with other United Nations agencies having concerns relevant to human rights in Cambodia and the Cambodian people.

Further report

14. In accordance with paragraph 6 (d) of the Commission's resolution, the Special Representative will present a report to the Commission on Human Rights at its fiftieth session in February/March 1994, under the agenda item entitled "Advisory services in the field of human rights".